

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Rachel Kaltenbach, et al.,	:	Case No. 2:23-cv-00187
Plaintiffs,	:	Judge: Michael H. Watson
v.	:	Magistrate Judge Kimberly A. Jolson
Hilliard City Schools Board of Education, et al.,	:	Jury Demand Endorsed Herein
Defendants.	:	

**ANSWER OF DEFENDANTS HILLIARD CITY SCHOOLS BOARD OF EDUCATION,
BETH MURDOCH, KARA CROWLEY, NADIA LONG, ZACH VORST AND BRIAN
PERRY TO PLAINTIFFS' SECOND AMENDED COMPLAINT (DOC #40)¹**

Defendants Hilliard City Schools Board of Education, Beth Murdoch, Kara Crowley, Nadia Long, Zach Vorst, and Brian Perry (collectively “Defendants”) hereby submit this Answer to Plaintiffs’ Second Amended Complaint, as follows:

FIRST DEFENSE

For their first defense, Defendants responds to the numbered paragraphs of Plaintiffs’ Second Amended Complaint, in like numbered paragraphs, as follows:

1. Admit.
2. Deny.
3. Admit.
4. Deny.
5. Deny.
6. Deny.
7. Deny.

¹ Pursuant to the Court’s March 28, 2024 Order (DOC#39), Defendants have not re-filed their Partial Motion to Dismiss (DOC#31) that is currently pending to which the Court indicated is not mooted by Plaintiffs’ re-filing of the Second Amended Complaint (DOC#40).

8. Deny.
9. Deny.
10. Deny.
11. Deny.
12. Deny.
13. Deny for want of knowledge.
14. Deny for want of knowledge.
15. Deny for want of knowledge.
16. Deny for want of knowledge.
17. Deny.
18. Deny.
19. Deny.
20. Deny.
21. Deny.
22. Deny.
23. Deny for want of knowledge.
24. Deny for want of knowledge.
25. Deny for want of knowledge.
26. Deny.
27. Admit.
28. Deny.
29. Deny for want of knowledge.
30. The letter speaks for itself. To the extent a response is needed, deny.
31. Admit.

32. Deny.
33. Deny.
34. The letter speaks for itself. If a response is required, deny.
35. The letter speaks for itself. If a response is required, deny.
36. The letter speaks for itself. If a response is required, deny.
37. The letter speaks for itself. If a response is required, deny.
38. The letter speaks for itself. If a response is required, deny (including all subparts).
39. Admit.
40. The letter speaks for itself. If a response is required deny.
41. Deny.
42. Admit.
43. Deny.
44. Deny.
45. Deny for want of knowledge.
46. Deny for want of knowledge.
47. Admit.
48. Deny for want of knowledge (including all subparts).
49. Deny for want of knowledge.
50. Deny for want of knowledge.
51. Deny for want of knowledge.
52. Deny for want of knowledge.
53. Deny (including all subparts).
54. Deny.

55. Defendants reincorporate paragraphs 1 through 54, above, as if fully rewritten herein.

56. Deny.

57. Deny.

58. Deny.

59. Deny.

60. Deny for want of knowledge.

61. Deny.

62. Deny.

63. Deny.

64. Deny.

65. Deny.

66. Deny.

67. Deny.

68. Deny.

69. Deny.

70. Defendants reincorporate paragraphs 1 through 69, above, as if fully rewritten herein.

71. Deny.

72. Deny.

73. Deny.

74. Deny.

75. Deny.

76. Deny.

77. Deny.

78. Deny.

79. Defendants reincorporate paragraphs 1 through 78, above, as if fully rewritten herein.

80. Deny.

81. Deny.

82. Deny.

83. Deny.

84. Deny.

85. Deny.

86. Defendants reincorporate paragraphs 1 through 85, above, as if fully rewritten herein.

87. Deny.

88. Deny.

89. Deny.

90. Deny.

91. Deny.

92. Deny.

93. Deny.

94. Deny.

95. Deny.

96. Deny.

97. Deny.

98. Deny.

99. Deny.

100. Defendants reincorporate paragraphs 1 through 99, above, as if fully rewritten herein.

101. Deny.

102. Deny.

103. Deny.

104. Deny.

105. Deny.

106. Deny.

107. Deny.

108. Deny.

109. Deny.

110. Deny.

111. Defendants reincorporate paragraphs 1 through 110, above, as if fully rewritten herein.

112. Deny.

113. Deny.

114. Deny.

115. Deny.

116. Deny.

117. Deny.

118. Deny.

119. Deny.

120. Deny.

121. Deny.

122. Deny.

123. Deny.

124. Deny.

125. Deny.

126. Deny.

127. Deny.

128. Defendants reincorporate paragraphs 1 through 127, above, as if fully rewritten herein.

129. Deny.

130. Deny.

131. Deny.

132. Deny.

133. Deny.

134. Deny.

135. Defendants reincorporate paragraphs 1 through 134, above, as if fully rewritten herein.

136. Deny.

137. Deny. The QR codes are no longer displayed.

138. Deny.

139. Deny.

140. Deny.

141. Deny.

142. Deny.

143. Deny.

144. Deny.

145. Deny.

146. Deny.

147. Deny.

148. Deny.

149. Deny.

150. Deny.

151. Deny.

SECOND DEFENSE

Defendants are immune from suit including legislative immunity, statutory immunity, governmental immunity, judicial immunity or any other immunities under Federal and State law.

THIRD DEFENSE

Defendants enjoys a qualified and/or absolute immunity, including statutory immunity under Chapter 2744, *et seq.* and/or privilege in this case.

FOURTH DEFENSE

Plaintiffs' claims are barred by the statute of limitations.

FIFTH DEFENSE

The Second Amended Complaint fails to state a claim upon which relief may be granted.

SIXTH DEFENSE

Plaintiffs lack standing.

SEVENTH DEFENSE

If Plaintiffs were injured or damaged, any and all such injury or damage was a proximate result of the intervening and/or superseding acts and/or criminal acts and/or omissions of persons and/or entities not under the control of Defendants and/or other parties named and not named in the Second Amended Complaint.

EIGHTH DEFENSE

Defendants deny all allegations contained in Plaintiffs Second Amended Complaint that are not expressly admitted in this Answer.

NINTH DEFENSE

Plaintiffs' alleged damages, if any, were proximately caused by the sole or contributory or comparative negligence of the Plaintiffs.

TENTH DEFENSE

Plaintiffs alleged damages, if any, were proximately caused by the sole or contributory or comparative negligence of others not presently known to Defendants or others named in the Second Amended Complaint.

ELEVENTH DEFENSE

Plaintiffs have failed to mitigate damages, if any.

TWELFTH DEFENSE

Plaintiffs' claims are barred by the doctrines of waiver, estoppel, or laches.

THIRTEENTH DEFENSE

Plaintiffs assumed all risks by reason of the manner of their own actions.

FOURTEENTH DEFENSE

Plaintiffs' claims for damages violate the due process clauses of the Federal and Ohio Constitutions.

FIFTEENTH DEFENSE

In the event Defendants are found liable, while such liability is denied, Defendants are only liable for his proportionate share of Plaintiffs' alleged damages per R.C. § 2307.22, *et seq.* R.C. § 2307.23, *et seq.*

SIXTEENTH DEFENSE

Defendants' actions were not extreme or egregious nor shocking to the conscience.

SEVENTEENTH DEFENSE

At all times, Defendants acted reasonably, in good faith, upon advice of counsel, in accordance with law and/or in the exercise of their statutory duties and responsibilities.

EIGHTEENTH DEFENSE

Plaintiffs' claims should be dismissed because whatever duties Defendants allegedly breached, if any, are duties owed to the public in general and are therefore subject to the "public duty rule."

NINETEENTH DEFENSE

Defendants are not sui juris.

WHEREFORE, Defendants prays that Plaintiffs' Second Amended Complaint be dismissed with prejudice and that Plaintiffs be ordered to pay all costs and reasonable attorney fees sustained by Defendants.

Respectfully submitted,

/s/ Jessica K. Philemond
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JURY DEMAND

Defendants requests a trial by jury.

/s/ Brandon Abshier
Brandon Abshier (0083505)

CERTIFICATE OF SERVICE

A true and accurate copy of the foreign was served on this 15th day of April, 2024, upon all counsel of record via the Court's electronic filing system.

/s/ Brandon Abshier
Brandon Abshier (0083505)